

6

Docket No. G-046US02PCT
Serial No. 09/762,311Remarks

Claims 42, 43, and 45-73 are pending in the subject application. By way of the amendment of this date, claims 74-98 have been added, claims 42, 43, 45-49, 51-64, and 66-73 have been canceled, and claims 50 and 65 have been amended. Certain of the claims have been amended for the purpose of expediting the patent application process in a manner consistent with the Patent and Trademark Office Patent Business Goals (PBG), 65 Fed. Reg. 54603 (September 8, 2000), in order to advance prosecution and facilitate the business interests of Applicant(s). Support for the claims and the amendments to the pending claims can be found throughout the subject specification (including, for example, the originally presented claims, the sequence listing at pages 43-51, and the specification at page 23, lines 23-25, page 28, lines 1-23, and page 53, line 9 through page 62, line 24). Favorable consideration of the claims now presented, in view of the remarks and amendments set forth herein, is earnestly solicited.

Applicants note that the Examiner has indicated that claims 66-67 were objected to as being dependent upon a rejected base claim, but being allowable upon being rewritten in independent form, including all limitations of the base claim and any intervening claim. Applicants have amended claims 50 and 65 to conform with the indicated allowable subject matter and respectfully submit that the claims are now in condition for allowance.

Applicants have also presented additional new claims directed to vectors, host cells, and arrays comprising the polynucleotides indicated as being allowable in the previous Office Action. Method of use claims, directed to the production of *TBC-1* polypeptides, comprising obtaining a host cell comprising a recombinant vector comprising a polynucleotide (previously indicated as being allowable) and growing the host cell under conditions that allow for the production of *TBC-1* polypeptide have also been presented. It is respectfully submitted that the newly presented claims do not require new consideration and do not raise an issue of new matter.

Applicants respectfully submit that the previous rejections of record are moot in view of the cancellation of the rejected claims. However, it should be understood that the amendments presented herein have been made solely to expedite prosecution of the subject application to completion and should not be construed as an indication of Applicants' agreement with or acquiescence in the Examiner's position. Applicants expressly reserve the right to pursue the invention(s) disclosed in

J:\GEN\046.US02.PCT\Amend-Resp\AF-Response.doc\DNB/sl

7

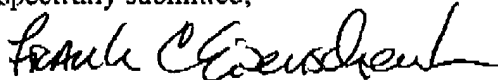
Docket No. G-046US02PCT
Serial No. 09/762,311

the subject application, including any subject matter canceled or not pursued during prosecution of the subject application, in a related application.

In view of the foregoing remarks and the amendments to the claims, the applicants believe that the pending claims are now in condition for allowance, and such action is respectfully requested. The Commissioner is hereby authorized to charge any fees under 37 C.F.R. 1.16 or 1.17 as required by this paper to Deposit Account 19-0065.

Applicants also invite the Examiner to call the undersigned if clarification is needed on any of this response, or if the Examiner believes a telephone interview would expedite the prosecution of the subject application to completion.

Respectfully submitted,



Frank C. Eisenschenk, Ph.D.

Patent Attorney

Registration No. 45,332

Phone: 352-375-8100

Fax No.: 352-372-5800

Address: Saliwanchik Lloyd & Saliwanchik

A Professional Association

2421 NW 41st Street, Suite A-1

Gainesville, FL 32606-6669

FCE/sI